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Counsel for Defendant DAVARIS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DAVARIS,

Defendant.

No. CR 12-850 EMC

STIPULATION and [PROPOSED]
ORDER TO MOVE MOTION TO
SUPPRESS HEARING DATE TO JUNE
26, 2013

Date: May 29, 2013

Time: 2:30 p.m.

Court: The Honorable Edward M. Chen

Undersigned counsel stipulate as follows:

1. A motion hearing on Mr. Davaris' Motion to Suppress is currently scheduled in this matter on May 29, 2013. Mr. Davaris' Reply Brief is due to the Court on May 15, 2013;
2. The government's Response to the defendant's Motion includes detailed declarations from the officers at issue, some of whom did not write the police reports available in the original discovery. Defense counsel needs additional time to investigate the facts set forth in the officers' declarations;
3. Because this case occurred in Eureka, defense counsel and investigative staff will need to travel to Eureka and back (approximately 10 hours round trip) to conduct the necessary investigation, amidst the defense of other clients and cases, while dealing with the reality of one furlough day every two weeks until September, 2013 that is unavailable for work purposes;

1 4. The investigator for the Federal Public Defender assigned to this case is on annual
2 leave/furlough until May 22, 2013. Defense counsel is then unavailable from May
3 23-May 28, 2013 due to furlough/annual leave;

4 5. Due to defense counsel's unavailability and the circumstances set forth herein, the
5 government has no objection to Mr. Davaris' request for a continuance, and is
6 agreeable to the June 26, 2013 date;

7 6. The parties further stipulate that under 18 U.S.C. 3161(h)(1)(D) time is
8 automatically excluded due to the pending pretrial motion now before the Court.
9

10 IT IS SO STIPULATED.

11 DATED: May 14, 2013

_____/S/_____
12

13 ELIZABETH M. FALK
Assistant Federal Public Defender
14

15 DATED: May 14, 2013

_____/S/_____
16

17 ACADIA SENESE
Assistant United States Attorney
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19
20 **[~~PROPOSED~~] ORDER**

21 GOOD CAUSE APPEARING, it is hereby ORDERED that the motion hearing on
22 Defendant's Motion to Suppress is hereby continued to June 26, 2013 at 2:30 p.m.

23 IT IS SO ORDERED. Defendant's reply shall be filed by June 12, 2013.

24 5/15/13
25 DATED: _____

26 THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT COURT
27

